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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON,

Plaintiff,

v.

FRED MEYER STORES, INC., a
Delaware corporation; and JAIME SAN
MIGUEL,

Defendants.

Case No. 1J-04-008-CV (RRB)

NOTICE OF UNAVAILABILITY ON JULY 25, 2008

I am lead counsel for defendant Fred Meyer Stores, Inc. This case currently is set for trial in Juneau, Alaska, beginning on Monday, August 11, 2008.

At the pretrial conference with the Court on Thursday, March 6, 2008, we selected dates for the final pretrial conference and trial. The trial was set for August 11, 2008. The pretrial conference date was set for Thursday, August 7, 2008, at 9:00 a.m. due to conflicts in my schedule the prior two weeks. Those conflicts still remain.

NOTICE OF UNAVAILABILITY ON JULY 25, 2008

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On Friday, July 11, 2008, we received notice that the Final Pretrial Conference has been rescheduled for Friday, July 25, 2008, at 9:30 a.m. I am not available that day at all.

I am unavailable July 21-23, 2008, because of a trial which I expect to end on July 23, 2008. Thereafter, I am unavailable and without cell phone availability on Thursday, July 24, and Friday, July 25, 2008, because of long-planned vacation from July 24-27, 2008 for which I already have paid (non-refundable at this stage). The following week I am attending a business meeting in Colorado from Tuesday, July 29, until Sunday, August 3, 2008. Therefore, the only days I am available for the Final Pretrial Conference prior to trial on August 11, 2008, are Monday, July 28, until 3:00 p.m. and August 4, 5, 6 or 7, 2008.

I respectfully request that the Court reset the Final Pretrial Conference on either July 28, 2008, prior to 3:00 p.m., or August 4-7, 2008. As lead counsel for defendant it is important that I be available for this Final Pretrial Conference in this case which continues to have multiple issues which I want to address with the Court at that time.

DATED this 15th day of July, 2008.

Respectfully submitted,

MILLER NASH LLP

s/ James R. Dickens

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Certificate of Service

I hereby certify that on July 15, 2008,
a copy of the foregoing was served
electronically on:

Mark Choate
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s/ James R. Dickens

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